Serial No.04
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM No. 5078/2021 in
LPAW No. 83/2003

National Insurance Co. Ltd.

… Appellant(s)

Through: -
None.

V/s

Tanvir Ahmad Bhat & Ors.

… Respondent(s)

Through: -
None.

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge.
Hon'ble Mr Justice Vinod Chatterji Koul, Judge.

(ORDER)
03.09.2021

The instant application is filed by one Tanvir Ahmad Bhat/ claimant in Consumer complaint No. 122/2000 before the Divisional Consumer Protection Forum, Srinagar which stands decided by the Forum on 16th of July, 2001, with the direction to the Insurance Company to pay an amount of Rs.3.69 lacs with interest of 15% w.e.f. 12th of August, 2000 in favour of the applicant/ claimant. Thereafter, the said Order dated 16th of July, 2001 was assailed by the Insurance Company in appeal No. 93/2001 before the erstwhile State Consumer Protection Commission, Srinagar, which appeal came to be dismissed vide Order dated 25th of September, 2001. Aggrieved thereby, the Insurance Company filed a Writ Petition bearing OWP No. 476/2001, which Petition, too, was dismissed in terms of Order dated 5th of

June, 2003. Feeling dissatisfied thereby, the Insurance Company took up the matter before the Division Bench in LPA No. 83/2003, however, the said appeal, in terms of Order dated 21st of August, 2004, stands partly allowed by holding the applicant/ claimant entitled to Rs. 3.19 Lacs, along with interest @ 9 percent, as awarded by the Commission w.e.f. 12th of August, 2000. It is submitted that during the pendency of LPA No.83/2003, the Court directed the Insurance Company to deposit the decretal amount less by amount already paid before the Registry, which amount, as per the applicant, stands deposited in the Registry vide cheque No.9492243 dated 18th of August, 2003. It is pleaded that with the disposal of the appeal, the said deposited amount before the Registry has remained unreleased so far and, as such, the applicant/ claimant has filed the instant application seeking release of the same.

Having gone through the pleadings on record, we dispose of this application with a direction to the Registry to release the aforesaid deposited amount in favour of the applicant/ claimant in tune with the directions passed by the Division Bench in LPA No.83/2003 vide order dated 21st of August, 2004, of course after verifying the amount already received by the applicant/ claimant and upon proper identification by the Counsel for the applicant/ claimant.

Disposed of as above.

(Vinod Chatterji Koul)
Judge

(Ali Mohammad Magrey)
Judge

SRINAGAR
September 6th, 2021
"TAHIR"

TAHIR MANZOOR BHAT
2021.09.07 10:21
I attest to the accuracy and
integrity of this document